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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/667,730	09/22/2003	Georg Schmidt	MUH-12777	9685		
24131	7590 08/05/2004		EXAM	EXAMINER		
LERNER AN	ND GREENBERG, PA		ниухн	HUYNH, ANDY		
P O BOX 2480			ART UNIT	PAPER NUMBER		
HOLLYWOO	D, FL 33022-2480		2818			
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		•	DATE MAILED: 08/05/200	DATE MAILED: 08/05/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Application No.   Applicant(s)							
Examiner And y Huynh And Y Hu		Application No.	Applicant(s)				
Andry Huynh   2818   Andry H		10/667,730	SCHMIDT ET AL.				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions cite may be evaluate under the provision of 37 CPR 1.13(4), in or event, however, may a reply be timely filed and sold (b) MONTH'S from the nonling date of this correspondence of 37 CPR 1.13(4), in or event, however, may a reply be timely filed and sold (b) MONTH'S from the nonling date of this correspondence of 37 CPR 1.13(4), in or event, however, may a reply be timely filed and sold (b) MONTH'S from the nonling date of this correspondence of 37 CPR 1.13(4), in or event, however, may a reply be timely filed and sold (c) MONTH'S from the nonling date of this correspondence of the correspondence of the following of the sold (c) MONTH'S from the nalling date of this correspondence of the following of the sold (c) MONTH'S from the nalling date of this correspondence of the correspon	Office Action Summary	Examiner	Art Unit				
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1)   Responsive to communication(s) filed on 22 September 2003   2a  This action is FINAL.   2b  This action is non-final.   3   Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.    Disposition of Claims   420 is/are pending in the application.   4a) Of the above claim(s) is/are withdrawn from consideration.   5   Claim(s) is/are allowed.   6   Claim(s) is/are ellowed.   6   Claim(s) is/are objected to.   8   Claim(s) is/are objected to.   8   Claim(s) is/are objected to.   8   Claim(s) is/are objected to by the Examiner.   10   The drawing(s) filed on is/are: a   accepted or b   objected to by the Examiner.   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).   11   The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.   Priority under 35 U.S.C. § 119   12   Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).   a   All   b   Some * c)   None of:   1   Certified copies of the priority documents have been received in Application No   2   All   b   Some * c)   None of:   1   Certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).   * See the attached detailed Office action for a list of the certified copies not received.	THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.1: after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply of the Month of the maximum statutory period for Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing	36(a). In no event, however, may a reply be tin y within the statutory minimum of thirty (30) day vill apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONE	nely filed s will be considered timely the mailing date of this co D (35 U.S.C. § 133).				
2a)  This action is FINAL. 2b)  This action is non-final.  3  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s)	Status						
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4a) Of the above claim(s) is/are withdrawn from consideration.  5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) is/are objected to. 8) □ Claim(s) is/are objected to restriction and/or election requirement.  Application Papers  9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1.□ Certified copies of the priority documents have been received. 2.□ Certified copies of the priority documents have been received in Application No 3.□ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s) 1) □ Notice of Praftsperson's Patent Drawing Review (PTO-948) 3) □ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) □ Notice of Informal Patent Application (PTO-152)	Disposition of Claims						
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## **DETAILED ACTION**

Claims 1-20 are pending in the application is acknowledged.

## Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.

Group I: Claims 1-17, drawn to a device, classified in class 257, subclass 295.

Group II: Claims 18-20, drawn to an apparatus, classified in class 324, subclass 1+.

2. The inventions are distinct, each from the other because of the following reasons: Inventions II and I are related as apparatus and product made. The inventions in this relationship are distinct if either or both of the following can be shown: (1) that the apparatus as claimed is not an obvious apparatus for making the product and the apparatus can be used for making a different product or (2) that the product as claimed can be made by another and materially different apparatus (MPEP § 806.05(g)). In the instant case unpatentability of the group I invention would not necessarily imply unpatentability of the group II invention, since the device of the group I invention could be made by the apparatus materially different from those of the group II invention.

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3. Because these inventions are distinct for the reasons given above and have acquired a

separate status in the art as shown by their different classification, restriction for examination

purposes as indicated is proper.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the

inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the

currently named inventors is no longer an inventor of at least one claim remaining in the

application.

Any amendment of inventorship must be accompanied by a petition under 37 CFR

1.48(b) and by the fee required under 37 CFR 1.17(i).

5. Any inquiry concerning this communication on earlier communications from the

examiner should be directed to Andy Huynh whose telephone number is (571) 272-1781. The

examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM. The

examiner's supervisor, David Nelms can be reached on (571) 272-1787. The fax phone number

for the organization where this application or proceeding is assigned is (703) 308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 308-0956.

Andy Huynh

andy Muy 2

01/14/02 Patent Examiner

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